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MAY 3 1 20 PM '88  
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F. GRAHAM BARTLETT (1920-1982)

ADMITTED IN

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CALIFORNIA:

PATTY W. PARNELL

April 27, 1988

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APR 28 1988

FILED

FEDERAL EXPRESS

Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

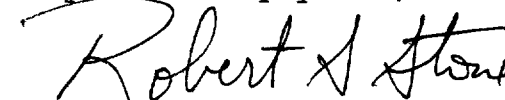
Re: BPH-870820MB, Hartford, Michigan

Dear Mr. Feaster:

We submit herewith, on behalf of our client, American Indian Broadcast Group, Inc., an original and four (4) copies of a Petition for Leave to Amend, and accompanying Amendment to its construction permit application now on file at the Commission, for a new FM station to serve Hartford, Michigan on FM channel 279A (103.7 MHz).

Meanwhile, should you or any members of your staff have questions regarding the enclosed, please communicate with the undersigned for clarification. Thank you for your cooperation in this matter. With kind regards, I remain

Very sincerely yours,



Robert S. Stone,  
Counsel to American Indian  
Broadcast Group, Inc.

RSS/ta

Enclosures

cc: American Indian  
Broadcast Group, Inc. (Public File)

RSS022/P

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FM EXAMINERS

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FILED

In Re Application of

AMERICAN INDIAN BROADCAST GROUP, INC.

For Authority to Construct a New  
Commercial FM Station on Channel 279A  
at Hartford, Michigan

File No. BPH-870820MB

To: Chief, Mass Media Bureau

PETITION FOR LEAVE TO AMEND

American Indian Broadcast Group, Inc. ("American"), applicant for construction permit for non-reserved FM channel 279A at Hartford, Michigan (BPH-870820MB), by counsel, and pursuant to §§1.65 and 73.3522(a)(6) of the Commission's Rules and Regulations, hereby respectfully submits its petition for leave to amend its above-captioned application, so as to report changes in information previously filed as part of its applica-

also serves to correctly identify the applications by file number, consistent with instructions accompanying FCC Form 301, and to report the status of such applications as of the present time.

2. As discussed, infra, American's application was prepared and filed without benefit of counsel. After counsel had been retained, the applicant was advised that the additional information now being filed would be required, notwithstanding that some or all of the applications subsequently filed may have themselves reported all of the applications in question. Consequently, this Amendment is submitted so as to render the application current and accurate.

3. In addition to the "update" information described above, the Amendment serves to explain circumstances surrounding the certification of American's application through the declarations under penalty of perjury of American's President, Director, and 33 1/3% shareholder, Jack W. Bursack, and American's technical consultant, Fred Dale Howard. As stated therein, the Amendment, which is being filed on a voluntary basis and not in response to challenges from competing applicants or other third parties, reflects that, while the applicant's certification of the application for Hartford, as well as others, was technically improper, the applicant did not appreciate the significance of waiting for the engineering sections of the application to be associated with the non-technical portions thereof before certifying the application, where all sections were ultimately



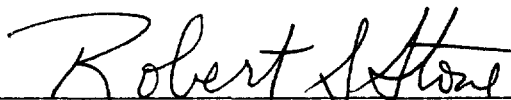
tenderability of its application, and would not create any conflict with an application filed subsequent to the filing of its application in original form. Moreover, the applicant expressly disavows any comparative "upgrading" otherwise accruing to the applicant by the virtue of the acceptance of its amendment proffered herewith. While the proposed amendment was, in a sense, required by the "voluntary" act of the applicant, it is nevertheless acceptable in that it brings the application into compliance with §1.65 of the Commission's Rules and provides crucial information as to the character qualifications of the applicant. In that regard, the applicant has demonstrated relative due diligence in the preparation and filing of its amendment, in light of its acting without benefit of counsel until recently. Because the amendment is filed prior to designation of its application for hearing, the acceptance of the amendment could not possibly disrupt the orderly conduct of any hearing or necessitate additional hearings. Finally, no other party would be unfairly prejudiced by its acceptance. Accordingly, the applicant has shown good cause for filing the amendment, over and above its obligation to amend its application so as to report significant changes in information previously filed therewith. See Erwin O'Conner Broadcasting Company, 22 FCC 2d 140, 143, 18 RR2d 820, 824 (Rev. Bd. 1970), 47 C.F.R. §73.3522(a)(6).

WHEREFORE, premises considered, American Indian Broadcast Group, Inc. respectfully urges the Chief, Mass Media Bureau to grant the instant petition and accept the accompanying amendment for association with its application consistent with the above.

Respectfully submitted,

AMERICAN INDIAN  
BROADCAST GROUP, INC.

McC Campbell & Young, Its Attorneys

By:   
Robert S. Stone

MCCAMPBELL & YOUNG  
Suite 2021 Plaza Tower  
P. O. Box 550  
Knoxville, TN 37901-0550  
(615) 637-1440

April 27, 1988

RSS022/P1  
64001

AMENDMENT

The application of American Indian Broadcast Group, Inc. for authority to construct and operate a new FM broadcast station to serve the community of Hartford, Michigan on FM channel 279A (File No. BPH-870820MB) is hereby amended by the information and materials attached hereto.

Dated this 20<sup>th</sup> day of April, 1988.

AMERICAN INDIAN  
BROADCAST GROUP, INC.

By:   
Jack W. Bursack, President

RSS021/A14

RULE 1.65 UPDATE

The following table reflects all applications filed with the Commission by American Indian Broadcast Group, Inc., the applicant herein. While some of the information appearing below may already be reflected by the instant application, a comprehensive listing is furnished for ease of reference. As indicated, all applications are for construction permits for new FM broadcast stations.

<u>LOCATION</u>	<u>FILE NUMBER</u>
Hartford, Michigan	BPH-870820MB
Alamogordo, New Mexico	BPH-870820MC
Shreveport, Louisiana	BPH-870820MD*
Panama City Beach, Florida	BPH-870824MC**
Atlantic City, New Jersey	BPH-870827MQ
Post, Texas	BPH-870827NF***
Lawton, Oklahoma	BPH-870827NG
Germantown, Tennessee	BPH-870908MQ
DeWitt, Michigan	BPH-870914MC
State College, Pennsylvania	BPH-870916MB
San Angelo, Texas	BPH-870921MB
Windsor, Virginia	BPH-870928MC
Topeka, Kansas	BPH-871124MM
South Yarmouth, Massachusetts	BPH-880107NI

\* Shreveport, Louisiana application returned by Mass Media Bureau on March 4, 1988.

\*\* Panama City Beach, Florida application returned by Mass Media Bureau on March 4, 1988.

\*\*\* Post Texas application returned by Mass Media Bureau on January 28, 1988 (petition for reconsideration pending).



STATEMENT OF JACK W. BURSACK

I, Jack W. Bursack, hereby make the following statement and declaration under penalty of perjury:

1. I am President, director, and 33 1/3% shareholder of American Indian Broadcast Group, Inc., applicant for authority to construct and operate a new commercial FM broadcast station to serve the community of Hartford, Michigan on FM channel 279A (File No. BPH-870820MB). In that regard, I personally hired American Indian Broadcast Group, Inc.'s consulting engineer, Fred Dale Howard, to prepare the technical portion of the above application, while I personally prepared all non-technical portions thereof.

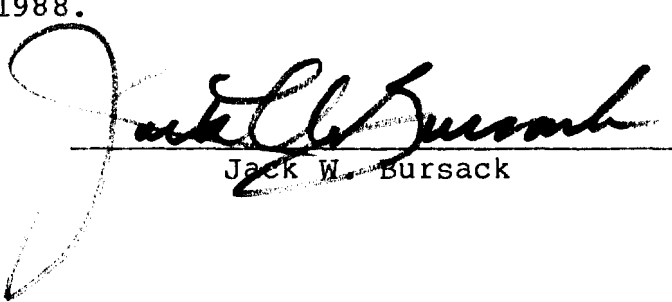
2. Before I retained Mr. Howard for the benefit of American Indian Broadcast Group, Inc., I, together with the other shareholders of American Indian Broadcast Group, Inc., determined the channels and communities to be pursued by the applicant based upon our analysis of channels allotted to various communities throughout the United States as part of the FCC's "docket 80-90" proceeding. Having selected the channels to be applied for, I then personally obtained copies of the FCC's application form for new stations (Form 301) and retained Mr. Howard, as indicated above. I obtained both the list of channels and the application form from a local attorney, although I did not consider it necessary to hire an attorney at the time in order to prepare the applications to be filed with the Commission. Although I am an owner/manager of a small daytime-only AM station licensed to the

community of Smyrna, Tennessee (WSVT), I have never before  
completed an application for construction permit for a new  
commercial broadcast station on FCC Form 301

of the application received from Mr. Howard revealed no error or omission which would have affected my certification as to accuracy or completeness of the overall application.

4. To summarize, I wish to bring the above information to the attention of the Commission by voluntary submission of this statement, having been advised by recently retained communications counsel to do so. Indeed, I would never have noticed the problem had counsel, who was recently retained to assist American Indian Broadcast Group, Inc. in prosecuting its applications generally, not brought the matter to my attention.

The above statement is true, based upon my personal knowledge, and made under penalty of perjury this 29<sup>th</sup> day of March, 1988.

  
\_\_\_\_\_  
Jack W. Bursack

RSS020/B20/2

STATEMENT OF FRED DALE HOWARD

I, Fred Dale Howard, hereby make the following statement and declaration under penalty of perjury:

1. I am a broadcast technical consultant doing business at Hermitage, Tennessee, specializing in technical topics pertaining to the broadcast industry and associated RF Transmission Systems, whose qualifications in telecommunications matters are of record before the Federal Communications Commission, having been presented and accepted upon many occasions in the past. In that capacity, I was retained by American Indian Broadcast Group, Inc. to perform certain technical studies and to prepare the technical report and exhibits accompanying American Indian Broadcast Group, Inc.'s application for construction permit for FM channel 279A allotted to Hartford, Michigan.

2. Upon being retained by American Indian Broadcast Group, Inc. through its President, Jack Bursack, in August, 1987, I was advised by Mr. Bursack that American Indian Broadcast Group, Inc. planned to apply for a number of FM channels in various communities throughout the United States, including the channel described above. In that regard, Mr. Bursack provided me with the channel, community of license, and the deadline for the filing of an application for the channel. Consistent with the above, I prepared the technical report and exhibits accompanying American Indian Broadcast Group, Inc.'s application for Hartford, Michigan channel 279A, after which I personally delivered the completed Section V and related exhibits to Mr. Bursack. Mr.

Bursack then associated the technical portion of the application I had previously prepared with the non-technical portion of American Indian Broadcast Group, Inc.'s application which Mr. Bursack had prepared. The entire package was then filed with the Federal Communications Commission in Washington, D.C.

The above statement is true, based upon my personal knowledge, and made under penalty of perjury this 28th day of

*M. M. M.*

1988